

COMMISSIONERS APPROVAL

GRANDSTAFF - *absent*

ROKOSCH *jen*

THOMPSON *at*

CHILCOTT *gc*

DRISCOLL *vd*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Alan Thompson,
Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

Date.....March 24, 2008

Minutes: Beth Perkins

► The Board met for the following administrative matters:

- Discussion of MACo Fall Conference in Hamilton: **Commissioner Driscoll made a motion to continue until 11 a.m. tomorrow. Commissioner Thompson seconded the motion. All voted 'aye'.**
- Open Lands Board Opening – It was the Board's consensus to advertise for this position.
- Health Officer Opening – It was the Board's consensus to advertise for this position with the assistance of the new HR Job Director since it is a salary position.
- Grantsdale Board of Trustee – Membership. Due to the resignation of Bruce King and by recommendation of the Grantsdale Board of Trustees; **Commissioner Thompson made a motion to appoint Amy Alford to Bruce's position that ends June 30, 2008. Commissioner Driscoll seconded the motion. All voted 'aye'.**
- Decision on letter of support and financial support for BREDD – Communication Engineering Assessment: Commissioner Chilcott gave an overview of the request. Marcie and Paul DeWolfe joined the meeting via speaker phone. Marcie gave detail on the request such as business needs of the BREDD region. She stated through the process she does not know how they could implement it due to

funding. She stated Paul's company does communication engineering assessment for five counties. His company addresses all of their needs. Since the project has been implemented, some funding came from FDA. It would serve as a great source of information and justification for further grant applications. When a cell tower goes up to have a radio tower as well. They can more collaborate construction on their infrastructures. They are looking at a RSDA development grant for \$16,000, which they will be getting a match from Big Sky Trust for \$13,000. She is looking for \$3,000 from the counties of BREDD which would be \$1,000 each.

Paul gave additional insight for the infrastructure assessments being offered. He gave an example of a town having a monopoly of phone companies which offered no competition for broadband services. The scope of the study expanded to the lack of cell phone service, public safety with recreational use for Sheriff and 9-1-1 services. The end result was a plan of action with 10 options. The study was what generated the data to allow obtaining funding. He gave the details of a North Dakota project for realignment and how to look at to enhancement to the quality of life on the rural communities. The list of areas for assessment consists of Public Safety Communications, Hospitals and Clinics, School Systems and Economic Development. The study he is talking about is the first step which is determining what the existing infrastructure is. If you live in Hamilton, Stevensville and within 3 miles you may get cell service, you may not. They are going to find once you get more than 3000 feet off of highway 93, you lose cellular service. Commissioner Driscoll stated this is a positive step. Commissioner Chilcott confirmed they are requesting \$1,000 in matching funds. Marcie requested a letter of commitment for the \$1,000. She stated they will develop an RFP and select a consulting firm. The process will be an open bid process. After the consulting firm is chosen, she will be looking for a representative and a commissioner from each county. Commissioner Chilcott stated in order to do an engineering firm don't you have to do a RFQ first. Paul replied if going by State laws, you can use RFP. Commissioner Chilcott asked if they are calling it a licensed professional engineer. Paul replied he is a license professional engineer but they are talking about a consultant. Commissioner Driscoll asked how long it would take. Paul replied the last one was two years to complete but that was due to uncooperative phone companies and it took awhile to get everyone to the table. The shortest one was five months. Marcie stated the total cost of the project would be \$32,000 and the ability to apply for additional grant funding. Marcie stated the application is due Monday. She will touch base on Friday. Commissioner Thompson stated infrastructure for communication is extremely important and he supports it, however, the communications should be set forth by private companies. Commissioner Chilcott stated we have to identify those problems. Commissioner Driscoll stated the cleaner the signal, the better to draw people here for direct communication. Commissioner Chilcott stated if smaller scale firms come out and had the ability to communicate better, we could broaden our economic base other than home-based operations. We need to decide where we could come up with \$1,000. He does not feel comfortable

moving forward without entire Board's consensus. **Commissioner Driscoll made a motion to continue the discussion until tomorrow at 11 a.m. Commissioner Thompson seconded the motion. All voted 'aye'.**

- **Approval of Hangar Lease #377 - Commissioner Thompson made a motion to accept hangar lease #377. Commissioner Driscoll seconded the motion. All voted 'aye'.**

► The Board met to discuss and decide on language for straw poll vote in Darby on May 6th or June 3rd in regard to zoning of the Darby School District. Present were Planner John Lavey and several citizens.

Commissioner Chilcott called the meeting to order and requested a report from John.

John stated there are many good reasons to hold the vote on June 3rd. It is a Presidential primary which usually has a high turn out. It costs the county money for the school elections. He requested the Board hold this vote on June 3rd. Commissioner Chilcott gave the audience a few minutes to review the draft resolution.

Commissioner Chilcott requested the motion from March 17th minutes be read. After Secretary Beth Perkins read the motion to the audience, Commissioner Chilcott opened public comment.

Stewart Brandborg stated he thinks his advisor on legalities, Curtis Cook, made the point in the last meeting to the effect we are proceeding with the interim zoning effect in a vote of the people of the county in essence is law. The imposition of a straw vote is meaningless in the terms of legal impact. This procedure is subject to legal challenge. A straw vote or any attempt to reach a decision with this school district is subject to a real challenge. He believes the people of this school district must be apprised of these provisions of the interim measure and the opportunity to participate in deliberations. This is outlined clearly in the initiative. This group has been influenced by another group and people may be intimidated by this group and to a degree we have witnessed. He challenges the Board moving forward with this by due process.

Dan Floyd stated the 1 per 2 stated we would study the zoning regulations and this straw vote is another direction. He does not understand Stewart's challenge.

Cindy Berthold stated she appreciates the Board taking the time to listen to the people of Darby. She doesn't respect the attitude of Stewart. This is not a legal thing but listening to the people of Darby.

Jan Wisniewski stated he wonders if Stewart would object to other CPCs who don't want zoning. Commissioner Chilcott requested to stay on point of discussion. Jan stated the Board will honor a straw vote and although it's not binding the Board agreed to take direction from it.

Carl Fox stated he was instrumental in developing this. He requested seeing the ballot approved as written.

Roger Ward stated he has reservations about changing the date to June 3rd. The paper put it out as approved by May 6th date. He is hesitant to let people know that has changed. He requested removing the word baseline from the Resolution language.

Gene Honey stated by vote the City of Darby has its own zoning ordinance. Darby should not have the right to vote outside of the city. He brought up the issue on the wording of zoning such as it should be voluntary not mandatory. He also mentioned zoning decisions are subject to judicial review. He stated on property it is described as owns exclusive right to use and dispose and constitutes the property owner to use the property at discretion.

Commissioner Chilcott requested any further public comment hearing none. He then opened Board deliberation.

Commissioner Driscoll stated she would like some more information. She stated she investigated the entire valley who were taxed specifically to Darby. For Darby people living in the State of the top 200: 35 lived out of state and 40 who lived in the valley. She wanted to see an overview of out of state and in state landowners in Darby. For due process, you open the possibilities. You have to ask what due process means. There is a huge section of landowners that will not be able to vote. She discussed a huge subdivision going into Sula and Sula voted for zoning. She cannot condone people stopping others from voting. John stated only registered voters may vote. Commissioner Driscoll asked if non-registered voters could protest the vote. Tim Olsen asked if area represented could be protested. Planner Shaun Morrell replied 40% of agricultural landowners could. Commissioner Thompson stated all discussion and decisions of the Board are subject to legal opinion. We have to listen to legal counsel constantly. This will also have to be subject to legal counsel. This vote will not be binding but promised to be listened to by this Board. Darby School District would not look like Florence or Victor School District. That would be your zoning. Ravalli County could lose PILT funding this year. It would be a better turn out and more cost effective to hold the vote until June 3rd.

Commissioner Chilcott stated we want a consistent message with zoning. It has changed several times. He would agree with Commissioner Thompson to have the vote on June 3rd. The County's position was to have the citizens define zoning in their own area. That message has been lost in the flurry of discussion. I would remind Mr. Brandborg a straw vote is not binding but to allow the Board to hear the people. He believes the issue of the baseline wording in the resolution is to be taken into consideration. He stated a straw vote is not binding. He stated Commissioner Grandstaff and Commissioner Rokosch have expressed their opinion to go with the June 3rd date as a go ahead.

Commissioner Driscoll stated to keep in mind if the process moves forward without zoning is a constitutional right.

Commissioner Chilcott stated as far as due process goes, freeholders are not necessarily voters. For those who may not get their way, they can still create a voluntary zoning district.

Jan stated if it does get voted down and the Commissioners honor their agreement, the people who weren't represented can still petition the Board with 60% of freeholders to petition to be zoned. Commissioner Chilcott replied yes, that was just discussed. He does not see a problem with leaving the word "baseline" in. Baseline zoning is understood to be Phase 1 zoning. John stated the Planning definition is lot line setbacks, density, land use, and heights.

Gene asked why we just can't have voluntary zoning. He questioned having clear language on the ballot to include voluntary zoning. Commissioner Chilcott replied voluntary zoning is a right.

Roger stated his question of baseline has been answered. Commissioner Chilcott replied he does not want to put all zoning on this ballot due to State Law with setbacks. We are talking about what is on the table today. He understands it is scary to the landowners. Cindy suggested putting a definition of baseline zoning under the Advisory Note. Jan asked if everyone voted yes to consider will the Commissioners move forward. Commissioner Chilcott replied yes, we are talking about countywide zoning. Jan asked what if they vote no. Commissioner Chilcott replied then the Board will take into consideration not zoning Darby School District.

John reiterated on the last night he included baseline for the purposes of this straw poll shall mean density, use, lot line setbacks, and height.

Commissioner Thompson made a motion to adopt Resolution No. 2267 with amendments here today to include language on the Ballot with the June 3rd vote. Commissioner Driscoll seconded the motion. All voted 'aye'.

► The Board met for discussion and decision on potential applicants for the Human Resource Director position. Civil Counsel Karen Mahar stated there are 10 applicants and 2 have withdrawn their applications, leaving 8 viable applicants. Karen stated Commissioner Grandstaff requested guidelines for the hiring procedure. Karen presented the MACo guideline pamphlet to the Board for guidelines. Karen stated there is no closing date for the position. Commissioner Driscoll asked if there was preference for veterans. Karen replied yes, it is in the guidelines and it includes handicapped applicants. Karen stated the review process is based on a numerical scale and the applicants with a higher percentage would be the ones more preferable.

Commissioner Driscoll made a motion to continue until Wednesday at 3:30 p.m. Commissioner Thompson seconded the motion. All voted 'aye'.

► The Board met for discussion and decision on creating shift supervisor positions for 9-1-1. Present was 9-1-1 Director Joanna Hamilton.

Joanna stated the positions were created through union negotiations. Commissioner Chilcott asked if they were accounted for in the budget. Joanna replied yes, she believes so and it was two positions. She stated 9-1-1 has not been fully staffed since 2002. Commissioner Chilcott asked if the budget can be juggled for the money needed. Joanna stated it would have to be paid out of the salary line or out of the operations budget. Commissioner Chilcott asked if it is retroactive. Joanna replied yes. Commissioner Chilcott requested a job description and plan to pay for the positions. Skip Rosenthal joined via speaker phone. Karen asked Skip if the descriptions were complete and how to fund.

Skip replied the money was budgeted for and the description is for a lead dispatcher but they are still part of the union. He stated he gave Commissioner Grandstaff the last job description for lead dispatcher at an additional \$1 per hour and the recruitment procedure is posting the job internally. It was agreed to follow the promotion procedure according to the union negotiation contract. Karen asked after that is completed, is that when the employee action form is done. Skip replied yes.

It was the Board's consensus to move forward with the positions and screening of applicants. Commissioner Chilcott suggested Joanna contact Commissioner Grandstaff with details and employee action forms.